

MINUTES – FAMILY LAW COUNCIL, FAMILY LAW SECTION

Saturday, April 2, 2011

Novi, MI

Attendance:

- **Council Members Present (13):** Amy Yu, Gail Towne, Dick Halloran, Jim Harrington, Neil Colman, Bob Treat, Kent Weichmann, Liisa Speaker, Elizabeth Kitchen-Troop, Liz Bransdorfer, Stacy Van Dyken, Anne Argiroff, Connie Thacker
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- **Ex Officio & past Council Members:** Ron Bookholder, Elizabeth Sadowski
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- **Guests:** Judith O'Donnell, Tracie Boyd, Thelma Forrest, Tina Kolniak, Chris Harrington, Veronique Liem, Michele Pate, Molly Ekland-Easley, Bill Kandler, Lisa Gehering
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I. Administrative Matters

- A. **Call to Order:** The meeting was called to order at 9:34 a.m.
- B. **Chairperson's Report.** Amy Yu asked attendees if they contacted their state representatives as she instructed us to do. She talked to hers and discovered they don't know a lot about what we do. They discussed the joint custody bill and parent coordination bill. Bill Kandler would like to know if you do talk to your legislator so he can follow up. Amy asked for a show of hands.

Lifetime Achievement award will go to Marilyn Kelly.

Committee meetings. There is a concern that committee meetings may be scheduled at the same time as phone conference calls. Jim Harrington has agreed to make sure the dates of all the meetings are on the calendar on the website. All committee Chairs need to let him know when they are having a meeting. E-mail him to let him know when your meeting is so it can be included in the calendar so the conference service is not double-booked.

Skyping for meetings. There has been a request. It would still count as an absence, but we need to have this looked into to see how much the cost will be. Gail Towne, Liz Sadowski and Dick Halloran would like to be included in this committee.

Amy Yu is attending E-filing committee meetings in Oakland County. Meeting is Friday. Let her know if there is anything you want her to pass on. Liz Sadowski discussed a Texas case with a pending challenge to e-filing requirements.

- C. **Recording Secretary Report.** Traci Rink moved for the admission of Recording Secretary's March meeting minutes. They were approved unanimously.
- D. **Treasurer's Report.** Report unanimously approved.

II. Standing Committee Reports:

- A. **Adoption.** Liisa Speaker says they meet every other month and they are working on proposed legislation regarding DNA testing, but it won't be submitted for a while.
- B. **Alternative Dispute Resolution.** Ron Bookholder gave report because Toni Raheem is running a half marathon today (congratulations Toni!!). 9 people attended an 8:00 a.m. conference call. Toni is working on the direction the committee will take. There may be focus groups on issues relating to ADR. Ron Bookholder reports that Toni is working really hard and is very organized. Next meeting is April 25, 2011 at 8:00 a.m. Bill Kandler reports that Mark Jansen will be sponsoring legislation to correct the Harvey problems. The issue of what the trial court reviews after arbitration was discussed. Anne Argiroff and Kent Weichmann discussed the issues that are arising post-Harvey regarding the best interest of the children. There was a discussion about whether a complete review of the best interest factors is required by the court.
- C. **Alternative Family.** Connie is speaking for ICLE on domestic partnerships and cohabitation next month at ICLE.
- D. **Amicus.** Liisa Speaker says we were invited to file an amicus on In Re Mays. Committee hasn't met yet. There are a few questions that impact us, including whether the trial court erred in making a determination regarding best interest without determining whether they were of a sufficient age to express a preference. In addition, Kent points out that under review is the issue of the 'one-parent' doctrine. Also whether the Wayne County trial court erred in forcing the father to complete in a treatment plan absent an adjudication of unfitness. Dick Halloran thinks we need to be involved in the issue of determining if the Court is going to give us a new rule on 'sufficient age'. Amicus committee will look at the case and get back to us.
- E. **Annual Meeting.** No report. Annual meeting will be September 14, 2011 at Andiamo's in Dearborn. Dick Halloran is concerned because of their anti-union issues.
- F. **CLE/ICLE.** This year's Institute is November 10th and 11th. Marilyn Kelley will be there speaking at the plenary session. The issue of medical marijuana will be a topic. Location will be at St. John's in Plymouth again. Marital property update and child custody update on April 21st also at St. John's in Plymouth.
- G. **Court Rules.** Anne Argiroff reports that they met with a judge from the MJA and they agreed to amend their proposal to amend the default judgment rule to exclude the 'not otherwise admissible' language from sections 5 (c) and (d). Amy Yu reports that it is clear we have to have consensus with the other stakeholders involved if we are going to be participants. Judge Young was

concerned that we didn't have unanimity. The Chair feels strongly that we need to have consensus to be taken seriously and have a seat at the table. Anne Argiroff moved that we support the Court rule modification as amended rule to exclude the 'not otherwise admissible' language from sections 5 (c) and (d). Passed 14-0 (unanimously)

Liz Bransdorfer has been doing some research on confidentiality in divorce files. She is looking at what other states are doing. Sealed records are more common in juvenile cases or cases where there are mandatory disclosures. Those states that have confidentiality are trending towards getting rid of confidentiality. Therefore, the recommendation is to drop the issue but include in the minutes that we have a historical basis for having considered the issue. Ron Bookholder said we should explore the issue of confidentiality as it pertains particularly with regard to children's medical and psychological records. Dick Halloran says that a lot of things are not attached to filed pleadings but may be attached to Judge's copies.

- H. **Domestic Violence.** No report. Dick Halloran says the 'Solution Oriented Domestic Violence Prevention Court' begins in Wayne County in April.
- I. **Family Court Forum.** June 10, 2011. Invitations went out.
- J. **Family Law Journal.** No report.
- K. **Family Support.** Kent Weichmann reports they had first meeting with SCAO Committee regarding proposals for 2012 Guidelines revisions. Word from SCAO is that the Supreme Court is conservative and doesn't want to do anything controversial. Unless there is a broad consensus, they may not want to touch it. The Supreme Court would rather it be a legislative issue rather than a court issue because they don't want to make policy with this. Dick Halloran points out that the old SCAO form did not actually order child support to be paid, and the new form finally makes it clear that the payer is ordered to pay child support.
- L. **Journal Advertising.** No report.
- M. **Legislation.** Luckily most attention is being spent on the budget. The following bills were discussed:

SB256 is Senate version of House Bill 467. Recommends we support taking the same position. Allows for limited standing for children born 'in wedlock' to biological fathers. Unanimously approved, 14-0.

SB 220/HB4383 Would allow Michigan Children's Institute Superintendent to appoint designee to consent to appointment of a guardians to reduce existing and future backlog for approvals. Approved 13-0 with one abstention.

SB 257 and HB4414 were tabled. These would allow persons applying for marriage licenses to require additional documentation. Looking at this as it appears purpose may be to prevent immigrants from obtaining marriage licenses.

- N. **Membership/Mentor Roundtables.** Liz Sadowski made us (yes- she MADE us) write on 3 x 5 cards why we joined the Section and what we think about when we think about the Section. Liz discussed John Mills' ideas for increasing Section membership. Possibly a piece of literature to hand out to new lawyers or hand out at ICLE events. Liz said Jules Hanslovsky suggested using a form we would hand out at meetings. Web site could be improved to let people know why Section membership would be helpful for those starting the practice of law. Liz is also working with Maureen McGinnis (chair of new lawyers section) on a partnership.

Liz Sadowski and Barb Yockey may have a 'submerged log party' in May. Sound interesting? Details to follow. Dick Halloran offered that we should consider working with law students at the law school level. Lisa (from ICLE) said that they can use some of the ICLE technological resources to encourage membership (audience response lights). Veronica Liem recommended we have past copies of the Journal s available at the ICLE Institute because this is a good selling point. Molly Eklund-Easley said a membership form in the journal is sort of pointless when only members get the journal. Will have committee look at cost of publishing extra journal copies.

- O. **Mid-Winter/Mid-Summer seminar.** Judith O'Donnell says we have an unbelievable deal for the St Martin trip in 2012. Good food, great beaches, lots of adventures. The cost will be around \$1500 per person including airfare! Hotel is Le Domaine. Dates are February 4-11, 2012.

Mid-Summer. Conference will be at Mission Point July 28 to 31, 2011. \$209 will be the starting price per room per night. Traci Rink and Lorne Gold are looking for sponsors to keep price down for seminar. Brochure needs to go out in the next month.

- P. **Political Action Committee.** Neil says we really need everyone to contribute to the PAC. Bill Kandler says we can pay for an advertisement in the Journal. He doesn't think we can do an article.

- Q. **QDRO/Taxation.** Bob Treat says they will meet.

- R. **Technology.** No report

III. Ad Hoc Committees

- A. **Resource Allocation Committee.** No report

- B. **Parenting Coordination.** Dick Halloran met with Judge Kathleen Feeney who took the Parent Coordination statute to MJA meeting where some judges

expressed their belief that there was no need for a parent coordination statute. Judge Feeney presented issue to MJJ. Some judges do not feel it should be mandatory. They are going to do a statement on why it is necessary and what its purpose would be, and then go back to MJA and try to sell it to the committee.

- C. **Unauthorized Practice of Law.** Jim Harrington will circulate the report. Case of *Dressel vs. Ameribank* regarding the definition of unauthorized practice of law. Language includes 'profound'. What is that?

Ron Bookholder mentioned that Oakland County no longer makes DVDs available. You can view at courthouse but can only take transcript.

Meeting adjourned at 11:18 am .

Next Meeting: Saturday, May 7, 2011 at University Club, 3435 Forest Road, Lansing, MI 48933. Breakfast is available at 9:00 a.m. and meeting starts at 9:30 a.m.